:: STATUS - QUO ORDER ::

Under Order 39, Rule. 1 & 2, R/W. Section 151 of C.P.C.,

IN THE COURT OF THE IX ADIDL. SENIOR CIVIL JUDGE AT L.B. NAGAR, RANGA REDDY DISTRICT

I.A.No.2\(\sum_{26}\/2018\)
in
O.S.No.2487/2018

BETWEEN:-

- 1. Sangeetha W/o Parushuram Landge, aged 51 years, Occ: Housewife,
- 2. Sushil S/o Parushuram Landge, aged 25 years, Occ: Private Employee,
- 3. Parushuram Landge S/o Kishanrao Landge, aged 58 years, Occ: Govt.Employee

All are R/o H.No.7-55/1/14, Bala Saraswati Nagar, Malkajgiri, Hyderabad-500047.

...Petitioners/Plaintiffs

AND

- Suresh S/o Not known, aged major, Occ: Project Manager, R/o Villa.No.2, Villa Orchids Mahadevpur Village, near Janapriya Arcade, Koukur Village, Malkajgiri Mandal-500010
- M/s Modi Properties & Investment Private Limited & Company duly incorporated under the Companies Act, 1956 having its registered office at 5-4-187/3&4 II Floor, Soham Mansion, M.G.Road, Secunderabad, R/by its Managing Director Mr.Soham Modi S.o Satish Modi, aged about 48 years, Occ: Business,
- 3. Venkataramana constructions a registered Pasrtnership firm having its office at 2-3-35, Sri Sai Residency, Amberpet, Hyderabad R/by its partner A.Ram Reddy, S/o A.Malla Reddy, aged about 61 years, Occ. Business, R/o H.No.2-3-35, Sri Sai Residency, Amberpet, Hyderabad-500013.

..Respondents/Defendants

Upon motion made unto this Court Sri.M.Madhu Sudhan Reddy

Counsel for the petitioners/plaintiffs and upon hearing the arguments of the said counsel and upon erusing the material papers, affidavit, petition documents filed in support thereof on nis day, this Court doth order that both the parties are directed to maintain "Status Quo" as on today in respect of the petition schedule property till the Respondents makes their appearance and files thier counter. Call on 26/12/2018.

IX Addl Senior Civil Judge

SCHEDULE OF PROPERTY

All that the piece and parcel of Villa on Plot No.207 admeasuring about 200 Sq.Yards, along with construction having a built-area of 1940 sft, (built-up area 1807 sft + terrace area 133 sft) in the project known as "Villa Orchid's forming part of land in Sy.Nos.3,4,5,6,7,8, 33 of Mahadevpur Village & Survey Nos.1,3,4,5,6,7 of Kowkur Village, Malkajgiri Mandal, R.R.District, under Alwal Mandal and Medchal-Malkajgiri District and bounded by:-

NORTH

: Villa No.208

SOUTH

: 30' wide road

EAST

: 30' wide road

WEST

: Villa No.206

IX Addl. Senior Civil Judge VL.B.Nagar, R.R.District.

11 Seny Com judge

IN THE COURT OF THE HON'BLE JUNIOR CIVIL JUDGE:
R.R.DISTRICT: AT: MALKAJGIRI

In

I.A.No.

of 2018

O.S.No.

of 2018

Between:

Sangeeta & others

Petitioners/...Plaintiffs

And

Suresh & others

..Respondents/Defendants

AFFIDAVIT

- I, Sangeeta W/o.Parshuram Landge, aged about 51 years Occ : Housewife H.No.7-55/1/14, Bala Saraswati Nagar, Malkajgiri, Hyderabad do hereby solemnly affirm and state on oath as follows.
- I am the petitioner No.1 herein and plaintiff No.1 in the above suit, as such I am well acquainted with the facts of the case, I am deposing this affidavit on my behalf of and also on behalf of other petitioners/Plaintiffs herein.
- 2. I submit that the Petitioners are the absolute owners and possessors of piece and parcel of Villa on Plot No.207 admeasuring about 200 sq.yards, along with construction having a total built-area of 1940 sft, (built-up area 1807 sft+terrace area 133 sft) in the project known as 'Villa Orchid's forming part of land in Survey Nos.3,4,5,6,7,8,33 of Mahadevpur Village & Survey Nos.1,3,4,5,6,7 of Kowkur Village, Malkajgiri Mandal, R.R.District (which is morefully described in the Schedule hereunder and herein after called as Petition schedule property) having purchased the same from their vendors Sri Venkataramana Constructions i.e., Respondent No.3 herein and others through Regd.sale deed vide doct.No.3128 of 2017 dated 23-06-2017. Since the date of purchase the Petitioners are in physical and enjoyment of the possession of the above said plots as owners.
- 3. I submit that the Petitioners had purchased the Petition schedule property together with a Deluxe Villa constructed on the said plot with built up area of 1940 sft, the said Villa executed by Modi Constructions

L. Sangreta

interference into the lawful possession of the Petitioners over the Again on 08-12-2018 the Respondents and their Petition land. henchmen, came to the Petition property and tried to interfere with the peaceful possession and enjoyment of the Petitioners. Petitioners raised strong objection and with great difficulty could retain their possession over the Petition schedule property. Respondents and their men while leaving the Petition schedule property threatened the Petitioners with dire consequences and left the place saying that they will come again with more force and by hook or crook, they will cause interference. Immediately, the Petitioners rushed to the concerned P.S. and tried to lodge a comPetition against the Respondents herein, but the Police refused to take comPetition and advised the Petitioners to obtain an order from concerned Hon'ble Court, as the matter is civil in nature. As such the illegal and unlawful acts of the Respondents are to be restrained forever by way of lawful means of granting perpetual Injunction. It is further humbly submitted that the Petitioners have taken all precautionary measures by way of approaching the police concerned and remedy has not been received so far. In view of the above said circumstances it is only remedy left to the Petitioners to approach this Hon'ble Court for proper and adequate relief as prayed for.

7. I submit that we have got prima facie case and balance of convenience is in my favour, the respondents have no right of whatsoever nature over the schedule property, if the Hon'ble Court does not grant the ad-interim Injunction we will be put to great irreparable loss and hardship.

Therefore, I pray that this Hon'ble Court may be pleased to grant ad-interim injunction in favour of petitioners herein restraining the respondents/ defendants, their agents, servants, nominees, L.Rs. or any person(s) claiming through them from interfering with the peaceful possession and enjoyment of the petitioners over the petition schedule property till the disposal of main suit, in the interest of Justice.

Sworn and signed before me On this the day of December 2018 at Malkajgiri DEPONENT

Advocate, Malkajgiri

and Developers i.e., Respondent No.2 herein and was constructed by Sri Venkataramana Constructions i.e., Respondent No.3 and the construction work was completed during in the year 2017 including four side compound walls. During January, 2018 the Respondent No.2 dismantled the compound wall of Petitioners at northern side and constructed wall of Villa No.208, while constructing the said wall, pipe lines of Petitioners villa also removed and kept in the west side of path way without permission of the Petitioners.

- 4. I further submit that, presently the Respondent No.2 is providing open pipe lines including drainage pipe line of Villa No.208 through the Petitioners' Petition schedule property. Inspite of objections raised by the Petitioners to the project manager Sri.Suresh, Engineer i.e. Respondent No.1 on official website and messages to different officials of company, but the Respondent No.1 did not restraining and going ahead by laying pipe lines stating that it is as per plan.
- 5. I further submit that the Respondents herein who are no way concern, right, title, interest or possession over the Petition schedule property or any part in any manner whatsoever interfering with the peaceful possession and enjoyment of the Petitioners by one way or the other and the Respondents accompanying with some anti social elements are came to the Petition property on 06-12-2018 and trying to lay pipeline with the assistance of their labours and henchmen through the Petition schedule property of the Petitioners, when the Petitioners resisted their illegal acts, the Respondent No.1 threatened the Petitioner with dire consequences and forcibly entered into the villa by pushing the Petitioner No.1 and her daughter and also threatened to continue their illegal acts. Immediately the Petitioners lodged a comPetition against the Respondents on 6-12-2018 before PS Jawahar Nagar, but the police did not take any action against the Respondents herein.
- 6. It is further submitted that the Respondents who are highly influential, with unsocial elements, in continuation of their evil motive with the aid and help of unsocial elements have tried to cause

I.A.No.

of 2018

In

O.S.No.

of 2018

Between:

- 1.Sangeeta W/o.Parshuram Landge Aged about 51 years Occ : Housewife
- 2.Sushil S/o.Parshuram Landge Aged about 25 years Occ:Pvt employee
- 3.Parshuram Landge S/o.Kishanrao Landge Aged about 58 years, Occ: Govt.Employee

All are R/o.H.No.7-55/1/14, Bala Saraswati Nagar, Malkajgiri, Hyderabad-500047.

Petitioners/
..Plaintiffs

And

- 1.Suresh S/o.Not known
 Aged Major Occ: Project Manager
 R/o.Villa No.2, Villa Orchids, Mahadevpur
 Village, near Janpriya Arcade, Koukur village
 Malkajgiri Mandal. 500010.
- 2.M/s.Modi Properties & Investment Private Limited & Company duly incorporated under the Companies Act, 1956 having its registered office at 5-4-187/3&4 II Floor, Soham Mansion, M.G.Road, Secunderabad Rep.by its Managing Director Mr.Soham Modi S/o.Shri Satish Modi, aged about 48 years Occ: Business.
- 3.Sri Venkataramana Constructions a registered Partnership firm having its office at 2-3-35 Sri Sai Residency, Amberpet, Hyderabad Rep.by its partner Mr.A.Ram Reddy S/o.A.Malla Reddy, aged about 61 years Occ: Business, R/o.H.No.2-3-35, Sri Sai Residency Amberpet, Hyderabad-500013.

.Respondents/ Defendants

PETITION FILED U/O.39 RULE 1 & 2 R/W.SEC.151 OF CPC

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to grant ad-interim injunction in favour of petitioners herein by restraining the respondents/ defendants, their agents, servants, nominees, L.Rs. or any person(s)

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IN THE COURT OF THE HON'BLE JUNIOR CIVIL JUDGE: R.R.DISTRICT: AT: MALKATGIRI

I.A.No.

of 2018

In

O.S.No.

of 2018

Between:

Sangeeta & others ..Petitioners/Plaintiffs

And

Suresh & other ..Respondents/Defendants

PETITION FILED U/0.39 R.1 & 2 R/W.SEC. 151 OF C.P.C.

Filed on ; -12-2018

Filed by:

M.MADHUSUDHAN REDDY P.RAJAVARDHAN REDDY Advocates,

H.No.6-14/A Venus Heights, Flat No.402, Road No.5, Bhavani nagar, Dilsukhnagar, Hyderabad.

Counsel for the plaintiffs

claiming through them from interfering with the peaceful possession and enjoyment of the petitioners over the petition schedule property till the disposal of main suit, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice.

SCHEDULE PROPERTY

All that the piece and parcel of Villa on Plot No.207 admeasuring about 200 sq.yards, along with construction having a total built-area of 1940 sft, (built-up area 1807 sft + terrace area 133 sft) in the project known as 'Villa Orchid's forming part of land in Survey Nos.3, 4, 5, 6, 7, 8, 33 of Mahadevpur Village & Survey Nos.1,3,4,5,6,7 of Kowkur Village, Malkajgiri Mandal, R.R.District, under Alwal Mandal and Medchal-Malkajgiri District and bounded by:

North: Villa No.208

South : 30' Wide Road

East : 30' Wide Road

West: Villa No.206

Malkajgiri

Date: -12-2018

COUNSEL FOR THE PETITIONERS/ PLAINTIFFS

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In the Court of the Houble Ix Addl.	lacal
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Certified that the executant who is well acquainted with English, read this Vakalatnama that the contents of this Vakalatnama were read out and explained in Urdu /Hindi/Telugu to executant he/she/they being unacquainted with English who appeared perfectly to understand the same and signed or put his/her/their name or mark in my presence.

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Executed on this the _	15th Day of Feb. 2019	

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The Advocates' Mutually Aided Co-Op. Society Ltd., City Civil Court, Hyderabad. Phone: 2441 8387

IN THE COURT OF THE IX ADDL SENIOR CIVIL JUDGE: R.R.DISTRICT AT: L.B.NAGAR

I.A.NO.2126 OF 2018 IN O.S. NO. 2487 OF 2018

Between:

Sangeeta & Other's

...Petitioners/Plaintiffs

AND

Suresh & Other's

..Respondents/Defendants

COUNTER AFFIDAVIT OF RESPONDENT NO.2

I Soham Modi S/o Shri.Late Satish Modi Aged 48 years R/o 5-4-187/3&4, M.G.Road Secunderabad do hereby solemnly affirm and state on oath as follows.

I am the managing director of defendant no.2 and as such I am well aware of the facts deposed here under. I am filing this affidavit also on behalf of Respondent no.1

I deny all the adverse allegations contained in the affidavit and if any allegation not specifically denied should not be deemed to have been admitted.

- 1. I Submit that with regard to Para No.1 the same is formal and does not call for any specific reply.
- 2. I Submit With regard to Para no.2 it is true that the petitioners are the owners of villa plot no.207 in Sy.No. 3,4,5,6,7,8,33 Mahadevpur Village and Sy.No.1,3,4,5,6,7, of Kowkoor Village, but it is denied that petitioners are in physical enjoyment of possession as alleged, in fact the possession of the villa has not been delivered by the Respondent No.2 to the petitioners.
- 3. I Submit that With regard to the Para 3 this Respondent had been allotted the construction of villa and this Respondent has been carrying on the construction as per the sanctioned plans by GHMC. It is denied that the work was completed in the year 2017 as alleged. In fact the construction work for villa No.207 was being continued till October 2018. It is submitted that villa No.208 is semi detached villa as per the sanction plan.

t is also submitted that in the case of semi detached villa as per the

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sanction plan one side of the construction of the said villa is made on the compound wall. It is therefore submitted that the permission of petitioners is not necessary for making the construction of villa no.208. The sanctioned plan for all villas have been obtained and the brochure would amply show this facet of the construction. The Petitioners were fully aware of the said facts. As the constructions were going on, the pipe lines were shifted but ultimately they were fixed without inconvenience to the petitioners.

- 4. I Submit With regard to Para No.4 it is denied that this Respondent is providing open pipelines of villa no.208 through the petitioners property. The other allegations in the said Para are denied which are false and baseless.
- 5. I Submit that With regard to Para No.5 it is denied that this Respondents are interfering with the peaceful possession and enjoyment of the petitioners one way or the other or that the Respondents with some anti social elements came to the petition property as alleged but it is submitted that they were trying to carry out the work of laying drainage pipelines for the villa no.208. It is denied that Respondent no.1 threatened the petitioners with dire consequences or forcefully entered in to the villa by pushing the petitioner No.1 and her daughter as alleged.
- 6. I Submit With regard to Para No.6 it is denied that the Respondents are highly influential or they having any unsocial elements or they have any evil motive or with the aid and help of unsocial elements have tried to cause interference in to the alleged lawful possession of the petitioners over the suit land. The other adverse allegations in the said Para are denied.
- 7. I submit that the petitioners do not have any prima facia case nor the balance of convenience is in their favour and the ad interim injunction as prayed for by the petitioners is not maintainable.

Acres of land and the Acres of land and the project was sanctioned by the GHMC. The project

consist partly of fully detached villas and partly of semi detached villas. In the case of semi detached villas one side of the villa will be supported by a common compound wall and the sewerage pipe lines of such villas passes through the neighbouring villa, whether it is semi detached or fully detached. In respect of villa no.207 and 208 as stated above villa no.207 is a fully detached villa and 208 is a semi detached villa. As per the plans sanctioned the semi detached villa no.208 has therefore been constructed partly on common wall. As per the norms the sewerage pipelines had to be connected with the manholes already existing. The manholes were provided for villa No.208 and they are existing in the neighbouring land of villa no.207. It is while laying the pipelines connecting the manholes that the petitioners created an unnecessary scene at the sight, in fact the petitioners are not entitled either in law or in fact to object to the laying of the pipelines. The pipelines are not open and they are underground. In fact as per the agreement of sale in respect of the property and the bye laws of the association of owners, the petitioners are not entitled to cause any interference to the laying of underground pipelines or any other construction activity in the project. The petitioners seem to have filed unnecessary complaint before the police authority when the matter can be resolved amicably.

9. I submit that the petitioners in fact approached the Respondent No.2 to arrange for the sale of Villa as they seem to be upset about the laying of the pipelines. This Respondent had arranged for the sale of the villa, at the last moment the Petitioners backed off and rushed to this Hon'ble court and filed this case on frivolous grounds.

It is therefore prayed that the application ad interim injunction may be dismissed by this Hon'ble court on exemplary cost.

Date: 15-02-2019

L.B.Nagar

DEFENDANT NO.2

IN THE COURT OF THE IX SENIOR CIVIL JUDGE: R.R.DISTRICT AT: L.B.NAGAR

I.A.NO.2126 OF 2018 IN

O.S. NO. 2487 OF 2018

Between:

Sangeetha & Others

.... Petitioners/ Plaintiffs

AND

Suresh & Others

Respondents/ Defendants

COUNTER AFFIDAVIT OF RESPONDENT NO.2

Filed on: 15.02.2019

Filed by: Sri. C. Balagopal Advocate

103, Suresh Harivillu Apts West Marredpally, Secunderabad. Ph.No.9441782451

COUNSEL FOR DEFENDANTS NO.1 & 2

IN THE COURT OF THE IX ADDL SENIOR CIVIL JUDGE: R.R.DISTRICT AT: L.B.NAGAR

O.S. NO. 2487 OF 2018

Between:

Sangeeta & Other's

...Plaintiffs

AND

Suresh & Other's

...Defendants

WRITTEN STATEMENT OF THE DEFENDANT NO.2

The Defendant No.2 submits as follows:

This Defendant submits that this written statement is filed also on behalf of the Defendant No.1.

This Defendant denies all adverse allegations contained in the plaint and if any allegation not specifically denied should not be deemed to have been admitted.

- 1. With regard to Para I & II the same is formal and does not call for any specific reply.
- 2. With regard to Para no.III (1) it is true that the plaintiff are the owners of villa plot no.207 in Sy.No. 3,4,5,6,7,8,33 Mahadevpur Village and Sy.No.1,3,4,5,6,7, of Kowkoor Village, but it is denied that plaintiff are in physical enjoyment of possession as alleged, in fact the possession of the villa has not been delivered by the defendant No.2 to the plaintiff.
- 3. With regard to the Para III (2) this defendant had been allotted the construction of villa and this defendant has been carrying on the construction as per the sanctioned plans by GHMC. It is denied that the work was completed in the year 2017 as alleged. In fact the construction work for villa No.207 was being continued till October 2018. It is submitted that villa No.208 is semi detached villa as per the sanction plan. sanction plan one side of the construction of the said villa is made on the compound wall. It is therefore submitted.

not necessary for making the construction of villa no.208. The sanctioned plan for all the villa and the brochure would amply show this facet of the construction. The Plaintiff were fully aware of the said facts. As the constructions were going on, the pipe lines were shifted but ultimately they were fixed without inconvenience to the plaintiffs.

- 4. With regard to Para III (3) it is denied that this defendant is providing open pipelines of villa no.208 through the plaintiffs property. The other allegations in the said Para are denied which are false and baseless.
- 5. With regard to Para III (4) it is denied that this defendant are interfering with the peaceful possession and enjoyment of the plaintiff one way or the other or that the defendants with some anti social elements came to the suit property as alleged but it is submitted that they were trying to carry out the work of laying drainage pipelines for the villa no.208. it is denied that defendant no.1 threatened the plaintiffs with dire consequences or forcefully entered in to the villa by pushing the plaintiff No.1 and her daughter as alleged. The facts regarding the same are mentioned in the subsequent paragraphs.
 - 6. With regard to Para III (5) it is denied that the defendants are highly influential or they having any unsocial elements or they have any evil motive or with the aid and help of unsocial elements have tried to cause interference in to the alleged lawful possession of the plaintiff over the suit land. The other adverse allegations in the said Para are denied.
 - 7. This defendant submits that the whole project of Villa Orchid consist of 340 Villas on 21 Acres of land and the project was sanctioned by the GHMC. The project consist partly of fully detached villas and partly of semi detached villas. In the case of semi detached villas one side of the villa will be supported by a common compound wall and the sewerage pipe
 - lines of such villas passes through the neighbouring villa, whether it is semi detached or fully detached. In respect of villa no.207 and 208 as stated above villa no.207 is a fully detached villa and 208 is a semi

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existing. The manholes were provided for villa No.208 and they are existing in the neighbouring land of villa no.207. it is while laying the pipelines connecting the manholes that the plaintiffs created an unnecessary scene at the sight, in fact the plaintiffs are not entitled either in law or in fact to object to the laying of the pipelines. The pipelines are not open and they are underground. In fact as per the agreement of sale in respect of the property and the bye laws of the association of owners, the plaintiffs are not entitled to cause any interference to the laying of underground pipelines or any other construction activity in the project. The plaintiffs seem to have filed unnecessary complaint before the police authority when the matter can be resolved amicably.

8. The defendants submit that the plaintiffs in fact approached the defendant No.2 to arrange for the sale of Villa as they seem to be upset about the laying of the pipelines. This defendant had arranged for the sale of the villa, at the last moment the plaintiff backed off and rushed to this Hon'ble court and filed this case on frivolous grounds.

There is no cause of action for filing of this suit and this Hon'ble court may be pleased to dismiss the above suit for perpetual Injunction with exemplary cost.

Date: 15-02-2019

L.B.Nagar

DEFENDANT NO.2

Director

Director

VERIFICATION

The defendant herein declares that the facts mentioned above are true and correct to the best of its knowledge, hence verified.

Date: 15-02-2019

L.B. Nagar

DEFENDANT NO.2

FOR MODI PROPERTIES

IN THE COURT OF THE IX SENIOR CIVIL JUDGE: R.R.DISTRICT AT: L.B.NAGAR

O.S. NO. 2487 OF 2018

Between:

Sangeetha & Others

.... Plaintiffs

AND

Suresh & Others

.. Defendants

WRITTEN STATEMENT OF THE DEFENDANT NO.2

Filed on: 15.02.2019

Filed by: Sri. C. Balagopal Advocate

103, Suresh Harivillu Apts West Marredpally, Secunderabad. Ph.No.9441782451

COUNSEL FOR DEFENDANTS NO.1 & 2

IN THE COURT OF THE IX ADDL SENIOR CIVIL JUDGE: R.R.DISTRICT AT: L.B.NAGAR

I.A.NO.2126 OF 2018

IN

O.S. NO. 2487 OF 2018

Between:

Sangeeta & Other's

... Petitioners/Plaintiffs

AND

Suresh & Other's

..Respondents/Defendants

ADOPTION MEMO OF RESPONDENT NO.1

The Respondent No.1 in the above suit adopts the Counter Affidavit filed by the Respondent No.2

Date: 15 -02-2019

L.B.Nagar

RESPONDENT NO.1